

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CURTIS A. SMITH,

Plaintiff,

VS.

ILLINOIS ASSOCIATION OF SCHOOL BOARDS;  
and HIGHLAND COMMUNITY UNIT SCHOOL  
DISTRICT NO. 5,

Defendants.

Law No. 3:10-cv-00242-DRH-CJP

## JURY DEMAND

**DEFENDANT HIGHLAND COMMUNITY UNIT SCHOOL DISTRICT NO. 5's  
ANSWER TO PLAINTIFF'S THIRD AMENDED COMPLAINT**

NOW COMES Defendant, HIGHLAND COMMUNITY UNIT SCHOOL DISTRICT NO. 5, (hereinafter referred to as "Highland"), by and through its attorneys, DOUGLAS R. HEISE and HEYL, ROYSTER, VOELKER & ALLEN, and for its Answer to Plaintiff's Third Amended Complaint, states as follows:

## Common Allegations

1. Highland admits that this Court has jurisdiction over this matter but denies that it violated the Age Discrimination in Employment Act.
2. Highland admits the allegations contained in paragraph 2 of Plaintiff's Complaint.
3. Highland has insufficient information to either admit or deny the allegations of paragraph 3.
4. Highland has insufficient information to either admit or deny the allegations of paragraph 4.

5. Highland admits the allegations contained in paragraph 5 of Plaintiff's Complaint.

6. Highland admits that the IASB is an association in the State of Illinois which undertakes to procure employees for employers. Highland cannot admit or deny the remaining allegations of paragraph 6.

7. Highland admits the allegations of paragraph 7.

8. Highland admits the allegations of paragraph 8.

9. Highland admits the allegations of paragraph 9.

10. Highland has insufficient information in which to either admit or deny the allegations contained in paragraph 10.

11. Highland has insufficient information in which to either admit or deny the allegations contained in paragraph 11.

12. Highland has insufficient information in which to either admit or deny the allegations contained in paragraph 12.

13. Highland admits the allegations of paragraph 13.

14. Highland has insufficient information to either admit or deny that Plaintiff applied for the Highland position.

Highland admits that it filled the superintendant position and admits that the person it hired is younger than Plaintiff.

15. Highland has insufficient knowledge to either admit or deny the allegations contained in paragraph 15.

16. Highland has insufficient knowledge to either admit or deny the allegations contained in paragraph 16.

17. Highland admits the allegations contained in paragraph 17 of Plaintiff's Complaint.

18. Highland admits the allegations contained in paragraph 18 of Plaintiff's Complaint.

19. Highland admits the allegations contained in paragraph 19 of Plaintiff's Complaint.

20. Highland admits the allegations contain in paragraph 20 of Plaintiff's Complaint.

WHEREFORE, having responded to Plaintiff's Complaint, Highland respectfully requests this Court to dismiss same, with prejudice, at Plaintiff's costs.

**Count I - Age Discrimination against IASB**

21-24. Highland provides no answer to the specific allegations of this Count in that it is not addressed to it except to repeat and incorporate its responses to para 1-20 as if fully set forth herein.

**Count II – Age Discrimination against Highland Community Unit School Dist. #5**

25. Highland repeats and re-alleges its responses to paragraphs 1-20 as if fully set forth herein.

26. Highland denies the allegations of paragraph 30.

27. Highland denies the allegations of paragraph 31.

28. Highland denies the allegations of paragraph 32.

WHEREFORE, having responded to Count II of Plaintiff's Complaint, Highland respectfully requests this Court to dismiss same, with prejudice, at Plaintiff's costs.

**Count III – Retaliation under ADEA against IASB**

29-32. Highland provides no answer to the specific allegations of this Count in that it is not addressed to it except to repeat and incorporate its responses to paragraph 1-20 as if fully set forth herein.

**Count IV – Age Discrimination Under Illinois Human Rights Act Against IASB**

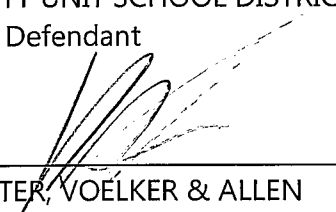
33-40. Highland provides no answer to the specific allegations of this Count in that it is not addressed to it except to repeat and incorporate its responses to paragraph 1-20 as if fully set forth herein.

**Count V – Retaliation Under Illinois Human Rights Act Against IASB**

41-48. Highland provides no answer to the specific allegations of this Count in that it is not addressed to it except to repeat and incorporate its responses to paragraph 1-20 as if fully set forth herein.

**DEFENDANT DEMANDS TRIAL BY JURY OF TWELVE  
ON ALL COUNTS.**

HIGHLAND COMMUNITY UNIT SCHOOL DISTRICT NO. 5,  
Defendant

BY:   
HEYL, ROYSTER, VOELKER & ALLEN  
Douglas R. Heise  
ARDC #6195244

03988-S2402

Law No. 09 L 1305

HEYL, ROYSTER, VOELKER & ALLEN  
Suite 100  
Mark Twain Plaza III  
105 West Vandalia Street  
P.O. Box 467  
Edwardsville, Illinois 62025  
Telephone: 618.656.4646  
Facsimile: 618.656.7940  
DRH/lmk

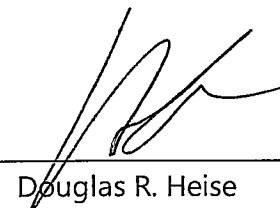
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 9<sup>th</sup> day of **June, 2011**, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing(s) to the following:

Ferne P. Wolf  
Sowers & Wolf, LLC  
[fw@sowerswolf.com](mailto:fw@sowerswolf.com)  
**Attorney for Plaintiff**

and

Nikoleta Lamprinakos  
Stephen R. Miller  
Robbins, Schwartz, Nicholas, Lifton & Taylor, Ltd.  
[Smiller@rsnlt.com](mailto:Smiller@rsnlt.com)  
[nlamprinakos@rsnlt.com](mailto:nlamprinakos@rsnlt.com)  
**Attorneys for Defendant Illinois Association of School Boards**

  
\_\_\_\_\_  
Douglas R. Heise

16798835v1